REMARKS

The undersigned counsel for the Applicants is not listed on the Applicants' Power of Attorney. However, a new and revised Power of Attorney will be filed in the near future. Therefore, Applicants respectfully submit that the Patent Office accept this Amendment under 37 CFR § 1.33(b)(2) and 1.34.

With the present Amendment, claims 1-5, 7-23 and 24 are pending. Claims 15 and "26-32" are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention. The present application does not have claims 26-32, so the rejections of those claims are disregarded. Claim 15, however, has been amended to depend from claim 3 thereby providing antecedent basis for the limitation of "the spunbond layer."

Claims 1-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Thomas, et al. (U.S. Patent No. 6,049,024). Claims 16-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Goldwasser (U.S. Patent No. 6,183,847). Claims 9 and 10-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas, et al. in view of Goldwasser. Claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas, et al. in view of Jankevics, et al. (U.S. Patent No. 6,139,941). Claims 8, 13-17, and 20-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas, et al. and Jankevics, et al. in view of Varona, et al. (U.S. Publication No. 2004/0127873 A1).

Respectfully, the disposable garment called for in claim 1 and the nonwoven fabric laminate called for in claim 16 of the present application patentably define over the cited prior art. Specifically, the relevant cited prior art does not disclose, teach, or suggest a nonwoven fabric laminate with a thin layer of fine fibers having an average pore size less than the average diameter of absorbent particles of the absorbent material in the disposable garment, as called for in amended claim 1. Regarding claim 16 of the present application, the relevant cited prior art does not disclose, teach, or suggest that the nonwoven fabric laminate has a layer of meltblown fibers with an average pore size less than about 25 microns. Further, the bodyside liner in the cited prior art does not have a SAM retention level of greater than 95 percent using the SAM Shake Test.

Claim 1 claims a disposable garment for adsorption and containment of urine and other body exudates. The disposable garment includes a liquid impervious sheet and a liquid pervious nonwoven fabric laminate. The nonwoven fabric laminate has a thin layer of fine fibers. The disposable garment also includes absorbent material formed by absorbent particles disposed between the liquid pervious nonwoven fabric laminate and the liquid impervious back sheeting. The thin layer of fine fibers of the nonwoven fabric laminate has a basis weight of less than 1.5 grams per square meter. Further, the average pore size of the thin layer of fine fibers is less than the average diameter of the absorbent particles.

Thomas, et al. discloses a nonwoven laminate constructed of a spunbond web layer, a meltblown web layer, and a spunbond web layer ("SMS nonwoven"). The SMS nonwoven in Thomas, et al. may have an overall basis weight of from about 13 gsm to 22 gsm. The spunbond and meltblown web components of the nonwoven fabric may be present in a ratio from about 11 gsm of spunbond fibers to 1.5 gsm of meltblown fibers up to about 19 gsm of spunbond fibers to 3 gsm of meltblown fibers.

As conceded by the Examiner in the Office Action, Thomas, et al. does not disclose a meltblown web of less than 1.5 gsm, but rather the meltblown web will fall between 1.5 gsm and 3 gsm based on the range of overall basis weights and the disclosed ratio of spunbond layer weight to meltblown layer weight. Therefore, Thomas, et al. cannot anticipate claim 1 of the present application.

Further, Thomas, et al. does not disclose, teach, or suggest having a thin layer of fine fibers that has an average pore size smaller than the average diameter of absorbent particles as called for in claim 1. Thomas, et al. discloses using finer meltblown fiber in theory to bridge voids between larger spunbond filaments to improve the SMS nonwoven as a fluid barrier (See col. 4, ll. 5-10), not to keep absorbent particles within a disposable garment. In fact, Thomas, et al. teaches away from using the thin layer of fine fibers to prevent absorbent particle migration. Thomas, et al. concentrates on using a spunbond layer to provide sufficient barrier to migration of superabsorbent particles rather than the use of the meltblown layer as is made clear in Col. 6, ll. 5-17 of that specification.

Therefore, Thomas, et al. cannot anticipate or be used to render obvious claim 1 of the present application.

Claim 16 claims a nonwoven fabric laminate that consists essentially of a first layer of spunbond fibers, a second layer of spunbond fibers and a layer of meltblown fibers. The layer of meltblown fibers has a basis weight of ranges from 0.06 grams per square meter to about 1 gram per square meter. The pore sizes of the layer of meltblown fibers are less than about 25 microns. Further, the bodyside liner has a SAM retention level of greater than 95 percent using the SAM Shake Test.

Claim 16 was reject as being anticipated by Goldwasser. However, Goldwasser is silent about pore sizes of its meltblown layer. In particular, Goldwasser does not disclose the pore sizes in its meltblown layer being less than about 25 microns. The coverstock of Goldwasser does not disclose and cannot achieve a SAM retention level of greater than 95 percent using the SAM Shake Test. Therefore, Goldwasser cannot anticipate claim 16.

Claim 16 was also rejected as unpatentable over Thomas, et al. in view of Jankevics, et al. and further in view of Varona, et al. Varona, et al., however, only qualifies as prior art under 35 U.S.C. § 102(e). Both Varona, et al. and the current application, at the time the inventions were made, were subject to an obligation of assignment to Kimberly-Clark Worldwide, Inc. The current application and Varona, et al. are assigned to Kimberly-Clark Worldwide, Inc. Accordingly, Varona, et al. is not considered prior art for purposes of 35 U.S.C. §

103(a) pursuant to 35 U.S.C. § 103(c). Thus, claim 16 cannot be rejected under 35 U.S.C. § 103(a) by the above combination of references.

In any event, neither Thomas, et al. nor Jankevics, et al. disclose, teach, or suggest, in combination or alone, that the pore sizes of the meltblown layer should be less than 25 microns or that the bodyside liner has a SAM retention level of greater than 95 percent using the SAM Shake Test as called for in claim 16. Thomas, et al. does not disclose pore sizes of its meltblown layer. As stated above, Thomas, et al. is more concerned about preventing absorbent particle migration at a spunbond fiber layer. Jankevics et al. only discloses average pore sizes of 15-50 microns for the whole SMS nonwoven discussed therein. In other words, the laminate of Jankevics, et al. with its three integrated layers as a whole contains the pore sizes specified therein and not just its meltblown fiber layer.

The nonwoven laminate of claim 16 has improved retention capabilities of absorbent particles because the layer of meltblown fibers by itself has such minuscule pore sizes of below about 25 microns. The added layers of spunbond fibers only aid in further reducing the pore sizes of the whole laminate of claim 24 and increase the nonwoven fabric laminate's ability to prevent the migration of the absorbent particles. For these reasons, the coverstock of neither Thomas, et al. nor Jankevics, et al., alone or in combination, can obtain a SAM retention level of greater than 95 percent using the SAM Shake Test. Therefore, these references cannot render claim 16 obvious.

For at least the reasons set forth above, independent claims 1 and 16 are patentably distinguishable from the prior art and are now allowable. Since claims 2-5 and 7-15 depend from claim 1 and claims 17-22 and 24 depend from claim 16, Applicants respectfully submit that claims 2-5, 7-15, 17-22 and 24 are also allowable. Applicants submit that the application is now in condition for allowance and favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at her convenience to resolve any remaining issues.

Respectfully submitted,

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